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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Draft resolution submitted by Mr. Alfonso Martínez, Ms. Atcah, Mr. Chernichenko, Mrs. Daes and Mr. Hatano

1992/... Draft universal declaration on indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22 of 29 August 1985, in which it endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which might be proclaimed by the General Assembly,

Recalling also its resolution 1991/30 of 29 August 1991, in which it expressed its appreciation to the Working Group for the significant and substantive progress made at its ninth session in carrying out its standard-setting mandate, and recommended that the Working Group be authorized to meet for 10 working days prior to the forty-fourth session of the Sub-Commission for the purpose of continuing the substantial progress made towards the completion of the draft declaration in consultation with Governments and organizations of indigenous peoples,

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Bearing in mind resolution 1992/44 of 3 March 1992 of the Commission on Human Rights in which the Commission welcomed resolution 1991/30 of the Sub-Commission,

Convinced that the Working Group can fulfil its standard-setting task only if it enjoys the greatest possible direct participation of and consultation with interested Governments and intergovernmental and non-governmental organizations and, in particular, with representatives of indigenous peoples,

Emphasizing the decision of the Working Group at its first session that both English and Spanish are indispensable as working languages,

Reiterating the importance of taking further measures to ensure that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983, as well as measures to make information on human rights standards and machinery available to indigenous peoples in their own languages,

Noting with appreciation and satisfaction the revised working paper on the text of the draft declaration (E/CN.4/Sub.2/1992/28) prepared by the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, as well as the report and recommendations of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33),

Welcoming the concrete proposals and recommendations submitted to the Working Group by Governments, intergovernmental organizations and organizations of indigenous peoples,

Reaffirming its deep satisfaction at the continued and increased constructive participation of representatives of observer Governments, indigenous peoples, specialized agencies and non-governmental organizations in the annual sessions of the Working Group, and at the efforts of the Chairperson-Rapporteur, to encourage and promote further dialogue between Governments and indigenous peoples at the national level in various parts of the world,

Convinced of the urgent need to promote and protect the rights of indigenous peoples, including by means of a continued and comprehensive review of developments in this field, as well as through the development and application of standards,

1. Expresses its appreciation to the Working Group on Indigenous Populations and especially to its Chairperson-Rapporteur, Mrs. Erica-Irene Daes, for the significant further progress made at its

tenth session in carrying out its standard-setting mandate, in particular the completion of the first reading of the text of the draft universal declaration of the rights of indigenous peoples (E/CN.4/Sub.2/1992/33, annex I);

2. Endorses the plan adopted by the Working Group in the conclusions and recommendations contained in its report (E/CN.4/Sub.2/1992/33, chap. VI) for the completion of the second reading of the text of the draft declaration at its eleventh session and the possible submission of the draft declaration to the Sub-Commission at its forty-fifth session;

3. Welcomes the contributions made by Governments, individuals, indigenous peoples, intergovernmental and non-governmental organizations to the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a large number of representatives of indigenous peoples in the tenth session of the Working Group, and appeals for continuing and increased financial support for the activities of the Fund;

4. Appeals once again to Governments and non-governmental organizations to consider making contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, with the aim of supporting projects of direct benefit to indigenous peoples, including providing information and training directly to indigenous organizations and communities;

5. Recommends that the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading and circulating these paragraphs to the members of the Working Group for their comments and suggestions;

6. Invites the Working Group to make written recommendations to the Sub-Commission on ways of ensuring full indigenous participation in the consideration of the draft declaration by higher bodies of the United Nations, as well as on the eventual implementation of the declaration, in particular as this concerns the future role of the Working Group;

7. Requests the Secretary-General:

(a) To transmit the report of the Working Group on its tenth session to Governments, indigenous peoples, and intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for written comments and suggestions on the draft universal declaration;

(b) To transmit the revised and reorganized text of the draft declaration, prepared pursuant to paragraph 5 of the present resolution, to Governments, indigenous peoples, and intergovernmental and non-governmental organizations well in advance of the eleventh session of the Working Group;

(c) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish;

(d) To continue to organize regional training courses for indigenous peoples on the United Nations, human rights and indigenous peoples' rights, especially in Latin America, Asia and the Pacific regions;

(e) To seek the necessary resources to convene at least one of the future sessions of the Working Group in Latin America, Asia or the Pacific Region;

(f) To give all necessary assistance to the Working Group in discharging its tasks, including more complete and thorough dissemination of information about its activities to indigenous peoples in every country, including all organizations that have participated in the sessions of the Working Group, in order to encourage their continued and wider participation;

8. Expresses the sincere hope that the Department of Public Information of the United Nations Secretariat will make every effort to develop a more comprehensive programme of translating and publishing basic human rights instruments, including the declaration on the rights of indigenous peoples, into indigenous languages and to approve systematic coverage of the Working Group by the Press Unit in Geneva of the Working Group's meetings;

9. Recommends that the reports of the Working Group be made available to the Commission on Human Rights and to the Economic and Social Council at each of their sessions;

10. Regrets the delay in the submission of the second substantive report on transnational investments and operations on the lands of indigenous peoples by the Transnational Corporations and Management Division of the United Nations Secretariat, and reaffirms the great importance it attaches to the continuing refinement, expansion and improvement of the database pursuant to its resolutions 1989/35 of 1 September 1989 and 1990/26 of 31 August 1990, and invites the Transnational Corporation and Management Division to submit annual reports summarizing the information received together with analyses, conclusions and recommendations;

11. Expresses its appreciation to the States participating in the Conference on Security and Cooperation in Europe for their agreement that human rights and fundamental freedoms apply fully and without discrimination to indigenous peoples;

12. Authorizes the Chairperson-Rapporteur, of the Working Group, Mrs. Erica-Irene Daes, to continue to monitor the relevant activities of the Conference on Security and Cooperation in Europe and other regional organizations in this field, with a view to encouraging the consistency of evolving standards;

13. Welcomes the holding of the First World Indigenous Youth Conference at Quebec City, Canada, in July 1992 and looks forward with great interest to the Second World Indigenous Youth Conference at Darwin, Australia, in 1993, and expresses the hope that youth will play a growing and more dynamic role in the activities of the United Nations in this field;

14. Also welcomes the reports and recommendations of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples held at Nuuk, Greenland (E/CN.4/1992/42) and the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples held at Santiago, Chile (E/CN.4/Sub.2/1992/31), and recommends to the Commission on Human Rights that it approve the publication and widest possible distribution of these reports as part of the World Public Information Campaign for Human Rights;

15. Recommends that future United Nations seminars and expert meetings on indigenous issues continue to be convened in regions and countries where there are the greatest numbers of indigenous peoples, and that they continue to involve on an equal footing, experts nominated by organizations of indigenous peoples and experts nominated by Governments;

16. Expresses its profound concern over the inadequacy of the resources which are currently allocated to its meetings and related activities and appeals to the Secretary-General to remedy this situation, in particular through the recruitment of indigenous professionals, and to consider the establishment of an independent unit of the Centre for Human Rights on indigenous peoples, in particular during the International Year for the World's Indigenous People;

17. Decides to examine these issues at its forty-fifth session as a matter of high priority, under the agenda item entitled, "Discrimination against indigenous peoples";

18. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, noting resolution 1992/... of ... August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council:

(a) That it approve the publication of the reports and recommendations of the meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (E/CN.4/1993/42) and the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-Development of Indigenous Peoples and the Environment (E/CN.4/Sub.2/1992/31) as part of the World Public Information Campaign for Human Rights;

(b) That it authorize the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-fifth session of the Sub-Commission for the purpose of completing the second reading of the draft declaration on the rights of indigenous peoples, and that these meetings be provided with interpretation services; that members of the Working Group meet in closed session for 5 days prior to the eleventh session of the Working Group in order to consider the comments and suggestions received from Governments, indigenous peoples, intergovernmental and non-governmental organizations, and to review the structure of the draft declaration and identify remaining difficulties, gaps or ambiguities in the text and that the reports of the tenth and future sessions of the Working Group be issued as sales publications to ensure that they are given the widest possible distribution;

(c) That it recommend to the General Assembly that the United Nations Voluntary Fund for Indigenous Populations be authorized, as a secondary priority, to assist indigenous participation in other relevant United Nations meetings, such as meetings of human rights treaty bodies or working groups which might be created by the Commission on Human Rights for further consideration of the draft declaration on the rights of indigenous peoples."

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